

UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

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## LEACH LOGISTICS, INC.,

Case No. 3:21-cv-00237-MMD-CLB

### **Plaintiff/Counter Defendant,**

v.

## CF USA GLOBAL HOLDINGS, LLC,

### **Defendant/Counter Claimant.**

## ORDER

1 Plaintiff and Counter Defendant Leach Logistics, Inc. filed suit against CF USA,  
2 Inc. in Nevada state court for back rent relating to the storage and milling of coffee  
3 cherries (the portion of the coffee fruit that is not the coffee bean). (ECF No. 1-2.) CF  
4 USA, Inc. removed to this Court and quickly filed an answer and counterclaim alleging  
5 that Plaintiff caused the coffee cherries to develop a spicy aroma rendering them  
6 unmarketable that began, “Defendant CF USA GLOBAL HOLDINGS, LLC, a Delaware  
7 limited liability company dba THE COFFEE CHERRY COMPANY (misnamed and  
8 erroneously sued as CF USA, INC. dba THE COFFEE CHERRY COMPANY and  
9 hereinafter “defendant” or “TCCC”).”<sup>1</sup> (ECF Nos. 1, 2.) It turns out that CF USA GLOBAL  
10 HOLDINGS, LLC appears not to exist. (ECF No. 48-2.) The Court resolved various issues  
11 stemming from Defendant’s error and ordered Plaintiff to file a memorandum detailing its  
12 fees and costs incurred in preparing ECF Nos. 40, 50, 51 as a sanction against  
13 Defendant. (ECF No. 57 (“Prior Order”)) Plaintiff filed the memorandum required by the  
14 Prior Order (ECF No. 60) and Defendant filed the response (ECF No. 61) permitted by  
15 the Court’s Prior Order. As further explained below, the Court agrees Plaintiff is entitled  
16 to attorney fees and costs for the preparation of the memorandum and the filing of the  
17 response.

<sup>27</sup> The Court will simply refer to these entities as Defendant for purposes of this order  
28 and for convenience but reiterates the fact that there was confusion on Defendant's side  
about Defendant's corporate entities was an issue.

1 to all of the fees and costs detailed in Plaintiff's memorandum except for the \$1,295 in  
2 fees incurred in preparing the motion to dismiss rendered moot by the Prior Order.

3         The Court was deliberate in specifying in the Prior Order that Plaintiff was only  
4 entitled to fees and costs incurred in preparing ECF Nos. 40, 50, and 51. The motion to  
5 dismiss was filed at ECF No. 18, with the response at ECF No. 23 and the reply at ECF  
6 No. 24. Thus, Plaintiff's request for its fees incurred in briefing the motion to dismiss is  
7 not permitted by the Prior Order. Plaintiff is accordingly not entitled to the \$1,295 it seeks  
8 (ECF No. 60 at 2) for the motion to dismiss.

9         Defendant argues the Court should not award Plaintiff any fees and costs for  
10 corporate discovery and limit the fees and costs it awards for ECF Nos. 40, 50, and 51 to  
11 account for the fact that Plaintiff did not obtain all of the remedies it sought in that briefing.  
12 (ECF No. 61 at 2-3.) The Court rejects these arguments as unpersuasive. The corporate  
13 discovery Plaintiff engaged in is intertwined with the reasons the Court is sanctioning  
14 Defendant. Simply put, Plaintiff had to spent time and money unravelling the errors that  
15 Defendant introduced into this litigation. Plaintiff is entitled to fees and costs for the time  
16 it spent attempting to understand Defendant's corporate structure. As to Defendant's  
17 argument regarding the fact that the Court did not grant Plaintiff all the relief it sought,  
18 and as noted, the Court stated in the Prior Order it intended to award Plaintiff fees incurred  
19 in preparing ECF Nos. 40, 50, and 51. The Court did not suggest in the Prior Order it  
20 would only award some portion of those fees. And Defendant does not propose any  
21 methodology to determine what partial amount of fees to award in any event. In sum, the  
22 Court rejects these two arguments Defendant offers in response to Plaintiff's  
23 memorandum.

24         The Court notes that the parties made several arguments and cited to several  
25 cases not discussed above. The Court has reviewed these arguments and cases and  
26 determines that they do not warrant discussion as they do not affect the outcome of the  
27 issues before the Court.

28         ///

It is therefore ordered that Plaintiff and Counter Defendant Leach Logistics, Inc. is entitled to \$12,462.00 in fees and costs from Defendant for the reasons provided in the Prior Order.

DATED THIS 29<sup>th</sup> Day of March 2022.

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MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE